# UNITED STATES PATENT AND TRADEMARK OFFICE

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| 10/511,751 | 10/19/2004 | Takuji Maeda | 2004 1604A | 6717 |

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| EXAMINER |
|---|
| BAYOU, YONAS A |

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| 2134 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. 10/511,751 | Applicant(s) MAEDA ET AL. |
|---|---|---|
| | Examiner Yonas Bayou | Art Unit 2134 |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) ☒ Responsive to communication(s) filed on <u>*16 April 2003*</u>.

2a) ☐ This action is **FINAL**.    2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) ☒ Claim(s) <u>*18-33*</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>*18-33*</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>*19 October 2004*</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All    b) ☐ Some *    c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>*05/02/2006 and 10/19/2004*</u>.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.      Claims 18-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Yokoyama et al., Pub. No.: US 2001/0029526 A1 in view of Okada et al., Patent

Number: 6,049,670.

Referring to claims 18-21, 24, 27, 32 and 33, Yokoyama teaches wherein the

program includes a program body running on the information processing terminal and

program specific information for running said program body **[paragraph 55 and fig. 6]**,

and

Yokoyama further teaches a decision unit operable to decide i) to distribute only

the program body to the information processing terminal by prohibiting distribution of the

program specific information in the case where the terminal ID attached to the program

obtainment request is recorded in the table **[paragraph 124 and fig. 24]**, and ii) to add

the terminal ID and the program specific information, to the table, in a correspondence

relation with each other, and distribute the program body and the program specific

information to the information processing terminal in the case where said terminal ID is

not recorded in the table [paragraph 45 and fig. 2; mobile agent corresponding to

program which includes terminal ID and service program data which includes program-

specific information (see fig. 6)]. Yokoyama does not appear to explicitly teach referring

to a table indicating a relation between a previously distributed program and a terminal

ID, the information processing terminal holding the terminal ID that cannot be rewritten

externally. However, Okada teaches the hidden file method is used in a computer using

MSDOS, and the user can only find the hidden file by a special operation. Therefore, it

becomes very difficult to duplicate the terminal identifier and the terminal password if

they are written in a hidden file [column 11, lines 30-34]. Yokoyama and Okada are

analogous art because both teach software/program distribution system.

At the time of the invention, it would have been obvious to one of ordinary skill in

the art to modify the method of Yokoyama to include the hidden file method is used in a

computer using MSDOS, and the user can only find the hidden file by a special

operation of Okada because it becomes very difficult to duplicate the terminal identifier

and the terminal password if they are written in a hidden file, please see KSR

International Co. v. Teleflex Inc., 550 U.S-, 82 USPQ2d 1385 (2007) for further

interpretation.

Referring to claims 22 and 23, Yokoyama teaches wherein the prescribed value

is a value indicating the number of distributions for the program specific information to

be distributed from the server apparatus to the information processing terminal

**[paragraph 11;** traveling list corresponding to number of distributions].

Referring to claim 25, Yokoyama teaches the server apparatus holds a plurality

of the program specific information which is information that is different for each of the

information processing terminals, and one program body which is common for the

information processing terminals **[paragraph 55 and fig. 6]**.

Referring to claim 26, Yokoyama teaches wherein the table holding unit holds a

table indicating the relation between a program body ID for uniquely identifying the

program body and the terminal ID of the information processing terminal on which the

program body runs **[paragraph 55 and fig. 6]**, and

the decision unit, referring to the table, decides i) that the program body can be

distributed in the case where the program ID and the terminal ID attached to the

program obtainment request transmitted from the information processing terminal are in

a correspondence relation in the table, and ii) that the program body cannot be

distributed in the case where the program ID and the terminal ID attached to the

program obtainment request transmitted from the information processing terminal are

not in a correspondence relation in the table **[paragraph 123-124 and figs. 23-24]**.

Referring to claim 28, Yokoyama teaches wherein the program includes a

program body running on the information processing terminal, a program header storing

information regarding the program body, program specific information for running the

program body, and a specific information header storing information regarding the

program specific information **[paragraph 55 and fig. 6]**,

the information processing terminal sends, to the server apparatus, a header

obtainment request for obtaining the program header and the specific information

header included in the program for which obtainment is requested **[paragraph 45 and

fig. 2]**,

the server apparatus distributes the program header and the specific information

header to the information processing terminal in the case where it is decided by the

decision unit that the program body can be distributed, and the information processing

terminal **[paragraph 9]** i) includes a verification unit operable to perform a verification

based on the program header and the specific information header, and ii) transmits the

program obtainment request to the server apparatus after the verification is performed

by the verification unit **[paragraph 45 and fig. 2]**.


Referring to claims 29 and 31, Yokoyama teaches wherein the program header

contains an identifier capable of uniquely identifying the program, and the information

processing terminal includes another verification unit operable to decrypt, using the

specific key, the program encrypted with the specific key, and verify, using the identifier,

whether encryption with the specific key is performed correctly, said program being

stored in the memory within the information processing terminal **[paragraphs 54 and

56]**.

Referring to claim 30, Yokoyama teaches wherein the program, the program header, the program specific information, and the specific information header, are attached with a digital signature **[paragraph 45 and fig. 2;** the mobile agent 210 is formed from a necessary service program 211 which corresponding to the program header, the program specific information, and the specific information header; a traveling list 212 for the group, and the center signature 203].

## *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yonas Bayou whose telephone number is 571-272-7610. The examiner can normally be reached on m-f,7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 571-272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Yonas Bayou

01/31/2008

KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER